



Vol. 1 Issue 1 ♦ Published and Distributed by the Maine State Planning Office ♦ Jan. 2001

The State Planning Office's Code Enforcement Officer Training & Certification Program staff now includes:

Lana Clough, *program coordinator* (287-8056), has been with CEO Training since its inception in 1987 and has held all positions within the program; she was promoted to the coordinator's position in 1999.

Bruce Hensler, *planner II* (287-5649), is new to the program having previously worked for Maine Fire Training & Education as a state instructor/technical specialist; he has 25 years of experience in municipal fire protection, emergency management and code enforcement.

Shelley Brann, *planning & research associate* (287-8064), an 11-year veteran of state service, has been with the program for two years.

Update on recently held workshops ► In September, the program offered a new training format with the *SSWD Installation Inspection Workshop* at the University of Maine's Highmoor Farm in Monmouth. Over 165 individuals participated, with many offering favorable comments regarding the course content, as well as the new format. The site is under contract for five years and future sessions are planned for the site. In October, we offered five workshops on *Accessibility Standards* with 130 individuals attending. This workshop included field trips to various occupancies having special or unusual accessibility needs. In November, four workshops were offered on *Energy Conservation and Manufactured Housing Standards*.

Certification examinations ► Exams are always given in the months of January, April, July, and October. They are generally offered at four locations for your convenience. When planning to take the exams it is important that you remember that generally no notice is mailed out; it is your responsibility to register for the exam at least ten days prior to the scheduled date of the test by submitting a registration form. A sample registration form may be found in the *CEO Program Information Manual*, you may photocopy this form as needed.

A look at future training workshops ► In January the program will offer a newly revised 2-day session in *Legal Issues & Enforcement Techniques*. February's workshops are being planned as a *multi-issues format*. Some of the topics under consideration include: right-of-way encroachments, nutrient management in the shoreland zone, voluntary energy standards, code office administration, big-box stores and sprawl issues, responsibilities of a building inspector under MSRA Title 25, review of sub-division law, and ethics for code officers. (Note: CEOs may want to attend with members of their planning board.) *Floodplain Management* will be offered in March. In April we are planning to offer *Hazard Tree Risk Analysis in the Shoreland Zone*. And in May, the workshops will cover *Customer Service* and *Dealing With Difficult People*.

Update on the state plumbing code ➤ Dana Tuttle reports that the Plumber's Examining Board has voted to instruct the Office of Licensing & Registration to prepare the *Uniform Plumbing Code* for formal rule-making. The preparatory work involves amending the UPC so as to be specific to Maine's needs. They hope to have this task accomplished by the start of the coming new year. Once prepared, the code will be ready for formal rule making which offers the opportunity for public comment. After formal adoption occurs the SPO will begin planning training sessions to familiarize local plumbing inspectors with the new code.

Registration procedures for workshops and exams ➤ If you have registered for a workshop or examination and later find that you are unable to attend please notify the State Planning Office as soon as possible. The reason is that some workshops may have a waiting list or there may be a set minimum number required for a session. Your cooperation in this matter is appreciated. We understand that you may have a last minute emergency that prevents this, but under normal conditions it is common courtesy to cancel. Thank you.

Conduct and behavior during workshops and exams ➤ This should go without saying, but unfortunately certain practices are becoming disruptive. The following should be taken as a friendly reminder to follow some simple rules of courtesy.

- ...turn off pagers and cell phones or place on silent-alert during exams and training sessions
- ...do not hold private conversations while a presenter is on the platform or someone else is speaking
- ...when asking a question, stand and speak loudly so that all can hear you
- ...do not abuse the privilege of asking questions of the presenters
- ...if you must leave early, remember that you will only receive a pro-rated number of attendance credits
- ...return from break periods and lunch when asked to

Report on regional CEO associations ➤ As part of the State Planning Office's efforts at providing technical assistance and support to local government the program staff accepts invitations to attend meetings of regional CEO groups. One regional group that deserves mention is the *Mid-Coast CEO Association* which covers Knox, Waldo, and Lincoln counties. The group meets monthly and offers a training session as part of the agenda. At some recent meetings members heard presentations from the State Fire Marshal's Office and the Maine State Housing Authority. Code officers attending these sessions receive re-certification credits. The MCEOA is affiliated with Mid-Coast Regional Planning Commission, for more information call 594-2299.

There are many advantages to forming regional (and state) organizations, as evidenced by the success of the MCEOA. Associations like these afford the opportunity to: discuss important local and regional issues, provide a forum for generating solutions to problems, and provide a new avenue for training. A related benefit is the opportunity to simply meet and gather with your fellow code officers and share some "war-stories" over a cup of coffee. For general information on forming a regional CEO group contact Lana Clough or Bruce Hensler.

Survey questionnaire distributed ➤ Contained in this mailing is a questionnaire; all code officers and plumbing inspectors are asked to complete the questionnaire for the purpose of evaluating the current training program. We ask for your cooperation and patience in this project. We know your time is valuable, but please take a few minutes to answer the questions thoughtfully, so that we may better evaluate the effectiveness of your training and certification program. We plan to share the findings by making them available on the State Planning Office website. We will also publish them in a future newsletter. Any CEO or LPI who wants their own copy of the results may request them from this office.

Names in the news ➤ Milton Estabrook has been hired as CEO by Belfast. Tom Ford, formerly with Union, is now with Rockport. Tim Nelson, formerly with Standish, is now with Biddeford.

Questions & Answers...

Q: I understand that because the town's population is greater than 2,000 we must, by State statute, have a building inspector, even though the town has no building standards or any related codes. As the appointed building inspector, do I have any actual or implied statutory duty or responsibility to inspect buildings?

A: Yes, you should carefully read Title 25 MRSA Chapter 313 (§§ 2351–2361) to gain a better understanding of your statutory duties and responsibilities as a *building inspector*. This state law establishes general duties and responsibilities specifically regarding fire prevention and fire protection in buildings. Very simply, the following points spell out what the law intends for communities with a population over 2,000, but without a building code.

- * The **municipal officers shall annually appoint** a *building inspector*; **they shall also define** the limits within which the inspector has jurisdiction and which includes the “thickly settled” portion of each city or town. (§ 2351)
- * In the performance of official duties the *building inspector* **has the right to enter** any building for the purpose of making required inspections. (§§ 2352, 2359 and 2360)
- * The *building inspector* **shall inspect each new building under construction to ensure against the catching or spreading of fire, that chimneys and flues are safe, and that proper cut-offs are placed between timbers in walls and floors.** The *inspector* may also give directions in writing, as necessary, to achieve the desired level of safety. (§ 2353)
- * The *building inspector* **shall inspect all buildings under repair, renovation, or rehabilitation to ensure all reasonable safeguards are used against the catching and spreading of fire, and that chimneys and flues are made safe,** a correction notice may be issued. (§ 2354)
- * **No new building may be occupied without a certificate of occupancy** from the *building inspector*. (§ 2357)
- * **Failure to comply with an order** of the *building inspector* shall subject the building owner to penalties. (§ 2358)
- * Duly appointed fire chiefs, municipal *building inspectors* and code enforcement officers **may bring civil action in the name of the municipality to enforce state rules or local ordinances** enacted pursuant to Title 25 Chapter 313. (§ 2361)

While true that Chapter 313 does not specifically reference any codes or rules, application of commonly accepted fire prevention practices can be applied without a formal code. Requiring fire stopping, where needed, can improve the level of safety in a balloon-frame structure. Identifying an unsafe chimney or wood stove installation is a safety issue you can do something about, at least by notifying a state inspector. In both situations you have taken positive action that meets the intent of Chapter 313 and improves public safety!

If you are a *building inspector*, not having a municipal building code or not having adopted the Life Safety Code does not absolve you of your statutory responsibility. If you lack specific knowledge of fire prevention practices it is a training issue, not a code administration issue. Even if you have a code, you still require training in that code! While it at first appears difficult to determine the intent of the State's building inspector statute, at least two things are obvious: the word shall is used (meaning you have no choice in the matter) and it calls for preventing and limiting the threat of fire (other than the use of fire cut-offs, it does not regulate how to build).

If you have additional questions about this issue contact the Program. The State has formally adopted rules that provide a mechanism for improving public safety (i.e., *NFPA 101 – Life Safety Code*; *NFPA 211–Chimneys, Fireplaces, and Vents*; and Title 25 MRSA § 2463) and you should be familiar with their content. The National Fire Protection Association is also a good source of information that may be useful as a reference source in regard to fire prevention and protection (e.g., *NFPA 1-Fire Prevention Code*). Also remember that any municipal code enforcement officer with building inspection duties must be certified in “building standards.”

BH

Helpful hints from Shelley...

To ensure that our files remain up to date and reflect the most current information, please remember to let me know whenever you get done working for a municipality (so I can remove your name from their file) or when you start working for a new one (so I can add your name to their file). This is also a good time to let me know if your address or telephone number has changed. Correspondence from this office can be mailed to your home or work address. It's up to you. If you have any questions or comments, I can be reached at 287-8064 or by e-mail at: **shelley.brann@state.me.us**.

Your assistance is greatly appreciated. Thanks!!!

SB

From the Coordinator...

This spring the Code Enforcement Officer Training and Certification Program will coordinate a working group to review, comment and offer recommendations on feedback received as a result of the survey questionnaire. We expect this group to meet at least twice to consider information contained in the survey. This group will be kept small with 8-10 volunteers. The Program will use the working groups recommendations to help guide program development for the next several years. If you are interested in volunteering to sit on this working group, please e-mail me at: **lana.clough@state.me.us**

Meetings will be held in Augusta. For those interested individuals not within convenient driving distance, conference calling and/or teleconferencing will be available.

LC

MAY YOU HAVE A VERY GOOD NEW YEAR!